

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:	§	CASE NO. 15-34440-H1-13
	§	
Myrta I. Torres	§	CHAPTER 13
	§	
	§	
DEBTOR	§	

**DEBTOR'S OBJECTION
TO CLAIM OF DITECH FINANCIAL, LLC**

THIS IS AN OBJECTION TO YOUR CLAIM. THE OBJECTING PARTY IS ASKING THE COURT TO DISALLOW THE CLAIM THAT YOU FILED IN THIS BANKRUPTCY CASE. YOU SHOULD IMMEDIATELY CONTACT THE OBJECTING PARTY TO RESOLVE THE DISPUTE. IF YOU DO NOT REACH AN AGREEMENT YOU MUST FILE A RESPONSE TO THIS OBJECTION AND SEND A COPY OF YOUR RESPONSE TO THE OBJECTING PARTY WITHIN 30 DAYS AFTER THE OBJECTION WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE OBJECTION IS NOT VALID. IF YOU DO NOT FILE A RESPONSE WITHIN 30 DAYS AFTER THE OBJECTION WAS SERVED ON YOU, YOUR CLAIM MAY BE DISALLOWED WITHOUT A HEARING.

A hearing has been set on this matter on December 21, 2015 at 9:00 a.m. on the 4th Floor, Courtroom 404, United States Bankruptcy Court, 515 Rusk, Houston, Texas.

COMES NOW Myrta I. Torres, Debtor, and files this Objection to Claim of Ditech Financial, LLC, and in support thereof, states as follows:

1. On August 24, 2015, Debtor filed a Chapter 13 petition.
2. On November 9, 2015, Ditech Financial, LLC filed a secured claim in the amount of \$92,689.57 with arrears of \$2,137.54.
3. Debtor objects to the claim on the basis that the claim is calculated incorrectly.

The mortgage arrears appear to be overstated. The Debtor asserts that she is up to date with her mortgage payments. The miscalculation may possibly be due to Ditech Financial, LLC using an incorrect account loan number. This may be possible since the account was recently transferred

to Ditech Financial, LLC. Also, a recent mortgage statement indicates that one of Debtor's payments was returned for insufficient funds; however, her bank statement does not reflect that a payment was returned for insufficient funds. The Debtor has no knowledge that a payment was returned for insufficient funds.

WHEREFORE, Debtor prays that the arrears portion of claim of Ditech Financial, LLC be disallowed.

Dated: November 22, 2015

Respectfully submitted,

GUZMAN LAW FIRM

/s/ Eloise A. Guzman

Eloise A. Guzman

State Bar No. 08654570; Fed ID 7685

Sonya N. Gomez

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Attorneys in Charge for Debtor(s)

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CERTIFICATE OF SERVICE

I, Eloise A. Guzman, do hereby certify that a true and correct copy of the above and foregoing was served upon the following parties by placing same in the United States mail, first-class, postage pre-paid on November 22, 2015:

Myrta I. Torres
2714 Magnolia Ct.
Stafford, TX 77477

David G. Peake
Chapter 13 Trustee
9660 Hillcroft, Suite 430
Houston, TX 77096

Ditech Financial, LLC
P. O. Box 6154
Rapid City, SD 57709-6154

/s/ Eloise A. Guzman

Eloise A. Guzman